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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,704	10/08/2007	Fraser Shaw	FRYHP0142US	5046
23908 7590 02/24/2011 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115			EXAMINER YAN, REN LUO	
			ART UNIT 2854	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,704	Applicant(s) SHAW ET AL.	
	Examiner Ren L. Yan	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 is/are allowed.
- 6) ☒ Claim(s) 1-23, 27-34 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim 32 is objected to because the recitation of "the at least one frame member" on line 5 lacks proper antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11, 13-19, 27-31, 34, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Podlipec et al(6,038,969).

Regarding claim 1, Podlipec et al teach the structure of a frame unit for tensioning a printing screen as claimed, the frame unit comprising a frame 1 including at least one frame member 2, the at least one frame member comprising: a supporting frame element; at least one engagement element 5, 11 and 12 for engaging a fitted printing screen 9 to tension the same, wherein the at least one engagement element comprises a body 5 which is pivotally coupled to the supporting frame element such that the at least one engagement element is pivotable in one, tensioning sense to tension a fitted printing screen (the dotted position of engagement element body 5 in Fig. 2) and the other, opposite sense to adopt a configuration in which a printing screen can be fitted to or removed from the frame unit (the normal and unbiased position of engagement element body 5 in Fig. 2), a first, engagement arm 11 (the upper part of engagement element body 5) extending from the body for engaging a fitted printing screen, and a second, biasing arm(the part of the engagement element body 5 that is biased by the tensioning tube 4) extending

Art Unit: 2854

from the body to which a biasing force is applied to bias the at least one engagement element to pivot in the tensioning sense; and at least one biasing element 4 (the tensioning tube) operative to apply a biasing force to the biasing arm of the at least one engagement element to bias the at least one engagement element to pivot in the tensioning sense and tension a fitted printing screen. See Figs. 1-7 and column 4, line 19 through column 5, line 40 in Podlipec et al for details.

Regarding claim 2, Podlipec et al teach wherein the supporting frame element comprises an extruded section 3.

Regarding claim 3, Podlipec et al teach wherein the at least one engagement element comprises an extruded section.

Regarding claim 4, Podlipec et al teach wherein the supporting frame element includes a cavity along a length thereof in which the at least one engagement element is disposed.

Regarding claim 5, Podlipec et al teach wherein the supporting frame element includes a recess in a surface thereof into which the at least one engagement element 5, 11 and 12 extends for receiving an engagement member at a respective edge of a fitted printing screen.

Regarding claim 11, Podlipec et al teach wherein the at least one frame member comprises: a plurality of engagement elements 12 disposed along a length of the supporting frame element.

Regarding claim 13, Podlipec et al teach wherein the engagement elements 12 are juxtaposed in end-to-end relation along a length of the supporting frame element.

Regarding claim 14, Podlipec et al teach wherein the frame includes a mounting surface by which the frame unit is mounted to a screen printing machine. The Examiner notes that the

Art Unit: 2854

recited mounting surface reads on the left vertical outer surface and the bottom horizontal surface of the frame member 2 as shown in Fig. 2 of Podlipec et al.

Regarding claims 15 and 39, Podlipec et al teach wherein the at least one biasing element 4 is configured to apply a biasing force to the biasing arm of the at least one engagement element in a direction substantially orthogonal to the mounting surface.

Regarding claim 16, Podlipec et al teach wherein the engagement arm of the at least one engagement element extends substantially orthogonally to the mounting surface.

Regarding claims 17 and 40, Podlipec et al teach wherein the biasing arm of the at least one engagement element has a principal component extending parallel to the mounting surface.

Regarding claim 18, Podlipec et al teach wherein the biasing arm 11 of the at least one engagement element extends in a direction towards an outer edge of the supporting frame element.

Regarding claim 19, Podlipec et al teach wherein the supporting frame element includes at least one aperture into which at least one engagement member (the side edge of the screen 9) can be inserted to engage the biasing arm of the at least one engagement element to pivot the at least one engagement element in the other sense to adopt a configuration in which a printing screen can be fitted to or removed from the frame unit.

Regarding claim 27, Podlipec et al teach wherein the at least one frame member 2 comprises an elongate member.

Regarding claim 28, Podlipec et al teach wherein the frame is substantially rectangular in shape.

Regarding claim 29, Podlipec et al teach wherein the frame includes a plurality of frame

Art Unit: 2854

members.

Regarding claim 30, Podlipec et al teach wherein the frame includes at least one pair of frame members disposed in opposed relation.

Regarding claim 31, Podlipec et al teach wherein the frame comprises first and second pairs of frame members each disposed in opposed relation.

Regarding claim 34, Podlipec et al teach the combination of the frame unit of claim 1 and a printing screen.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Podlipec et al in view of Hillstrom et al (4,580,361).

Regarding claims 6 and 38, Podlipec et al teach all that is claimed including the engagement element being pivotally supported to tension the screen mounted on the support frame. However, Podlipec et al do not teach that the supporting frame element includes one of a pivot projection or a pivot recess extending along a length thereof and the at least one engagement element includes the other of a pivot recess or a pivot projection extending along a length thereof which engages the one of the pivot projection or the pivot recess of the supporting frame element.

Hillstrom et al teach the conventional use of a pivot projection 34 disposed on one

Art Unit: 2854

element to be engaged with a pivot recess on the pivoting element 30 so as to facilitate the pivotal movement of the pivoting element 30 as shown in Figs. 6 and 7.

One of ordinary skill in the art would have recognized that the pivoting projection and recess as taught by Hillstrom et al are functionally equivalent to the pivoting structure of the engagement element body 5 in Podlipec et al so as to allow one element to pivot relative to the other.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the engagement element pivoting structure of Podlipec et al with the pivoting projection and the recess appropriately disposed as taught by Hillstrom et al as a simple substitution of one known mechanical pivoting structure for another so as to predictably achieve the same pivoting movement for the engagement element during the screen tensioning operation.

Regarding claim 7, Podlipec et al, as modified teach wherein the one of the pivot projection or the pivot recess of the supporting frame element and the other of the pivot recess or the pivot projection of the at least one engagement element are captively engaged.

Claims 8-10, 12, 20-23, 33 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Podlipec et al in view of Williams (6,289,804).

Regarding claims 8, 9 and 41, Podlipec et al teach all that is claimed except for the biasing element providing a permanent biasing force and being a resilient element.

Williams teaches in a similar frame unit for tensioning a printing screen the conventional use of a biasing element in a form of a coil spring 9 that is resilient and provides a permanent

Art Unit: 2854

biasing force to tension the printing screen 10 mounted thereon. See Fig. 2 in Williams for example.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the frame unit of Podlipec et al with the coil spring as the biasing element as taught by Williams so as to predictably tension the printing screen with a constant biasing force.

Regarding claim 10, Podlipec et al, as modified by Williams teach wherein the at least one frame member comprises: a plurality of biasing elements (spaced apart coil springs 9 for each frame element 3 shown in fig. 8 of Williams) for biasing the at least one engagement element.

Regarding claim 12, Podlipec et al, as modified by Williams teach (Fig. 8 of Williams) wherein the at least one frame member comprises: a plurality of biasing elements for biasing the engagement elements, wherein each engagement element is biased by at least one biasing element.

Regarding claim 20, Podlipec et al teach all that is claimed except for the at least one frame member further comprises: a counter-biasing element operative to apply a counter-biasing force to the at least one engagement element to overcome the biasing force of the at least one biasing element and pivot the at least one engagement element in the other sense to adopt a configuration in which a printing screen can be fitted to or removed from the frame unit.

Williams teaches in a similar frame unit for tensioning a printing screen the use of a counter-biasing element 20 operative to apply a counter-biasing force to the at least one engagement element 4 to overcome the biasing force of the at least one biasing element 9 and

Art Unit: 2854

move the at least one engagement element 4 in the other sense to adopt a configuration in which a printing screen can be fitted to or removed from the frame unit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the frame unit of Podlipec et al with the coil spring as the biasing element as taught by Williams so as to predictably tension the printing screen with a constant biasing force and the counter-biasing element to overcome the biasing force of the biasing element to pivot the at least one engagement element in the opposite direction so as to more effectively facilitate the mounting and removal of the printing screen from the frame unit.

Regarding claim 21, Williams teaches wherein the at least one counter-biasing element 20 comprises an expandable member.

Regarding claim 22, Williams teaches wherein the at least one counter-biasing element 20 comprises an inflatable bladder.

Regarding claim 23, Podlipec et al, as modified by Williams teach wherein the at least one counter-biasing element is configured to apply a counter-biasing force to a side of the biasing arm of the at least one engagement element opposite to which the biasing force is applied by the at least one biasing element.

Regarding claim 33, Podlipec et al, as modified by Williams teach wherein each frame member further comprises: a single counter-biasing element operative to apply a counter-biasing force to the at least one engagement element to overcome the biasing force of the at least one biasing element and pivot the at least one engagement element in the other sense to adopt a configuration in which a printing screen can be fitted to or removed from the frame unit.

Art Unit: 2854

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Podlipec et al in view of Salisbury (6,588,334).

Regarding claim 32, Podlipec et al teach all that is claimed except for the use of corner pieces that connect the frame member to form a frame.

Salisbury teaches a screen printing frame 104 wherein respective ends of the frame members 103 are connected by corner pieces 101. See Figs. 1 and 2 in Salisbury for example.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the frame unit of Podlipec et al with the frame members connected by corner pieces as taught by Salisbury so as to facilitate the assembly and disassembly of the frame.

Claims 24-26 are allowed.

Applicant's arguments filed on 1-19-2011 have been fully considered but they are not persuasive.

Applicant argued that Podlipec et al does not teach two arms, a first engagement arm and a second, biasing arm on the engagement element body because the hooking pin 6(the upper part 11 of the engagement element body 5) and the part of the engagement element body 5 which is engaged by the tension tube 4 together provide a single, common arm. This argument is not persuasive. As pointed out in the above rejection, Podlipec et al teaches a first, engagement arm 11 (the upper part of engagement element body 5) extending from the body for engaging a fitted printing screen, and a second, biasing arm(the part of the engagement element body 5 that is biased by the tensioning tube 4) extending from the body to which a biasing force is applied to

Art Unit: 2854

bias the at least one engagement element to pivot in the tensioning sense as broadly recited.

Since the claims do not structurally define the relative shapes or positions among the engagement element body and the two arms, and do not require the two arms to be separate or distinct and extending in two different directions from the engagement element body and moving around a pivot in opposite directions during the screen tensioning and releasing operations, the breadth of the claim language does not preclude the Examiner from reading the engagement element body and the two arms from the teaching of Podlipec et al in the way as stated above.

Applicant's remark that the PCT Examiner has previously confirmed in the International Examination Report that the independent claims 1, 39 and 40 distinguish over Podlipec et al by requiring two arms has been noted. However, this does not constitute the basis for determining the patentability of the claims presented in this U.S. patent application. It should be pointed out that U.S. Patent and Trademark Office is an independent patent examination authority and the U.S. Patent Examiners make patentability determinations of the claims based on the merits presented in the applications. In the instant application, it is the opinion of the Examiner that the broad claim language presented in independent claims 1, 39 and 40 fails to distinguish over the structure as taught by Podlipec et al.

With respect to claims 6, 7 and 38, applicant argued that the skilled person would not have contemplated the application of the pivoting mechanism of Hillstrom et al, which is directed to entirely unrelated art, i.e. a device for sign panels. This argument is not agreed to by the Examiner. In response to applicant's argument that Hillstrom et al is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned,

Art Unit: 2854

in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Podlipec et al and Hillstrom et al are directed to devices used for tensioning a panel piece over its support frame similar to what has contemplated by the applicant in this application. Therefore, the teachings of Hillstrom et al are pertinent to the particular problem with which the applicant was concerned.

Applicant further argued that Podlipec et al cannot be constructed in the manner suggested by the Examiner to provide the tensioning bar 5 with the disclosed pivoting mechanism 34 of Hillstrom et al. This argument is also not persuasive. As a matter of fact, the Examiner did not suggest provide the tensioning bar 5 with the disclosed pivoting mechanism 34 of Hillstrom et al. Rather, the Examiner had stated that one of ordinary skill in the art would have recognized that the pivoting projection and recess as taught by Hillstrom et al are functionally equivalent to the pivoting structure of the engagement element body 5 in Podlipec et al so as to allow one element to pivot relative to the other. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the engagement element pivoting structure of Podlipec et al with the pivoting projection and the recess appropriately disposed as taught by Hillstrom et al as a **simple substitution of one known mechanical pivoting structure for another** so as to predictably achieve the same pivoting movement for the engagement element during the screen tensioning operation.

Regarding claim 32, applicant stated that since no objection has been raised to claim 32, this claim would be allowable if written in independent form. This appears to be applicant's oversight in reading the outstanding Office action. Claim 32 was rejected over Podlipec et al in view of Salisbury on page 9 of the previous Office action and the rejection is repeated in this

Art Unit: 2854

Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ren L Yan/
Primary Examiner, Art Unit 2854
Feb. 22, 2011